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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.								
09/622,257	01/02/00	COUTOS-THEVENOT	P 0061/00091								
		HM12/0928	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">IBRAHIM, M</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>1638</td><td>12</td></tr></table>	EXAMINER		IBRAHIM, M		ART UNIT	PAPER NUMBER	1638	12
EXAMINER											
IBRAHIM, M											
ART UNIT	PAPER NUMBER										
1638	12										
			DATE MAILED: 09/28/01								

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/622, 257	01/02/01	Pierre Coutos-Thevenot et al	0061/00090

EXAMINER	
Medina A. Ibrahim	
ART UNIT	PAPER NUMBER
1638	12

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed on **08/15/01** is not fully responsive to the communication mailed **06/15/01** for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

Since the response appears to be **bona fide**, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Medina A. Ibrahim, Art Unit 1638, whose telephone number is 306-5822

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.


PHUONG T. BUI
PRIMARY EXAMINER

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged

computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: _____

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- A ~~initial~~ or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

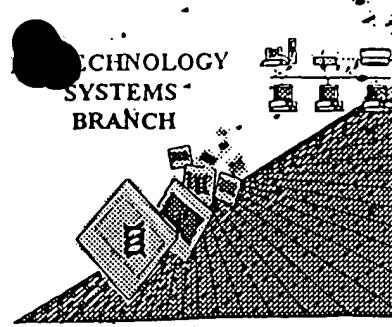
For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

M. Ibrahim



RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/622,257
Source: OIPE
Date Processed by STIC: 08/29/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be downloaded from the USPTO website at the following address:
<http://www.uspto.gov/web/offices/pac/checker>

Raw Sequence Listing Error Summary

<u>ERROR DETECTED</u>	<u>SUGGESTED CORRECTION</u>	SERIAL NUMBER: <u>09/622 257</u>
ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPIIA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE		
1 <input type="checkbox"/> Wrapped Nucleic <input type="checkbox"/> Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."	
2 <input type="checkbox"/> Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.	
3 <input type="checkbox"/> Misaligned Amino Numbering	The numbering under each 5 th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.	
4 <input type="checkbox"/> Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.	
5 <input type="checkbox"/> Variable Length.	Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>.<223> section that some may be missing.	
6 <input type="checkbox"/> PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>.<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>.<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>.<223> sections for Artificial or Unknown sequences.	
7 <input type="checkbox"/> Skipped Sequences (OLD RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped	
	Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.	
8 <input type="checkbox"/> Skipped Sequences (NEW RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000	
9 <input type="checkbox"/> Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>.<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.	
10 <input checked="" type="checkbox"/> Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>.<223> section is required when <213> response is Unknown or is Artificial Sequence	
11 <input type="checkbox"/> Use of <220>	Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)	
12 <input type="checkbox"/> PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.	
13 <input type="checkbox"/> Misuse of n	n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.	

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/622,257

DATE: 08/28/2001
TIME: 11:50:07

Input Set : A:\SEQ2.ST25.txt
Output Set: N:\CRF3\08282001\I622257.raw

3 <110> APPLICANT: Champagne Moet & Chandon
5 Coutos-Thevenot, Pierre; Hain, Rudiger; Schreier, Peter-Helmut;
6 Boulay, Michel; Esnault, Robert
8 <120> TITLE OF INVENTION: NUCLEIC ACID COMPRISING THE SEQUENCE OF A STRESSS-INDUCIBLE
9 PROMOTER AND A SEQUENCE OF A GENE ENCODING STILBENE SYNTHETASE.
11 <130> FILE REFERENCE: 20061/0091
13 <140> CURRENT APPLICATION NUMBER: US 09/622,257
15 <141> CURRENT FILING DATE: 2000-08-14
17 <160> NUMBER OF SEQ ID NOS: 3
19 <170> SOFTWARE: PatentIn version 3.0
21 <210> SEQ ID NO: 1
23 <211> LENGTH: 1392
25 <212> TYPE: DNA
27 <213> ORGANISM: Medicago sativa
29 <400> SEQUENCE: 1

Does Not Comply
Corrected Diskette Needed
See page 2 of 5

31	gaattcttca	aaaaaaaaagt	tgcccttgag	aaactaataa	gtaataaaac	taagacctct	60
33	aaaaaaaaag	ttaataaaact	aatatgaata	ttctctaaac	aaaaaataaa	actaagaaga	120
35	atatatttt	gttatttacc	agaaaaatac	tttgcttagt	caaaaagaaga	agaatattgt	180
37	gaattaattt	gataactgtat	atttttaaag	ctgtagatat	ttacgtattt	agttaaaaaa	240
39	atacaattat	tatataattt	attggtgtgt	ctattcaagt	gtttaactta	agttgagggt	300
41	tattctttag	ttactaagtt	ggagtggaga	agaagactat	ttgcttggtt	ggaggaacgc	360
43	ccagtagaat	gtgttattat	tttttatttt	ttttaggtt	gtagagtgtt	ttatgttgct	420
45	tgaataattt	ttttttgttag	gataatgtat	tagacaaata	aatttggaaa	cacgaccctg	480
47	tcaaagagta	cacggtaaaag	gggggtgtat	acaaaagagt	gcgtcgctt	attcttcagg	540
49	tcatttgggt	tgctacagtt	taggaaattt	gggagggaaag	aaataaacaga	ctgtataacg	600
51	tcaaagaatg	ctcggttatt	cagggtgttag	ataagattaa	gtttcttgct	tttgcattggg	660
53	tgaaggcaaa	gtttgtttct	cttccattca	attaccatgg	gtggcggctt	agtccgttta	720
55	ccatactgg	cataggctaa	gagttttctt	tttctcgttt	ttccattaca	agttctttat	780
57	gtaaataactg	tttgacttt	ggtgttcttc	ccttagtaca	ctttgtctt	ggaaggacta	840
59	ttttgatttt	gtaatatattt	tcattttttaac	ctcttaaaaaa	aaaatcagga	aaagaaaaaaag	900
61	ataaaaggtcg	gaagtgttac	ctgattataa	aataaatgtat	taaattgaaa	ataaaagataa	960
63	ataactaaaa	tgtttcttat	aattaagtta	agagatgaaa	tatgtatattt	tcccaatttat	1020
65	atattatgtat	agtttttattt	tattttataat	acgttggttt	gtttgaaat	ttgagtggtc	1080
67	ttggaggaga	aaaaacaaaa	atagaaaaaga	aaaattaata	gtagatgcaa	taattttgtt	1140
69	agtccaaata	ataatataatgt	tttctttaaa	aataatatac	tccaaactca	tacattaaaa	1200
71	atattattca	aatttatgtc	acgtcacaat	gagaaaaat	ggcccaacga	ccttgttata	1260
73	cacatcatcg	tcatcatcat	ctaaagtctt	aacaatacat	cttctttcc	tataaataca	1320
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77	ttcacacatt	ag					1392
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92	ctagccattt	gcacagctac	tcccgaccac	tgtgtctacc	agtctgat	tgctgattac	120
94	tatttcagag	tcaactaagag	cgagcacat	actgagttga	agaagaagg	aatcgcata	180

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/622,257

DATE: 08/28/2001
TIME: 11:50:07

Input Set : A:\SEQ2.ST25.txt
Output Set: N:\CRF3\08282001\I622257.raw

195	ataaaetaaaa	tgtttctat	aattaaggta	agagatgaaa	tatgtat	tcccaattat	1020															
197	atattatgt	agtttttatt	tat	ttat	acgttgttt	gctt	gaaat	tt	tgagtgg	tc	1080											
199	ttggaggaga	gaaaaacaaa	agagaaaaga	aaaattaata	gt	tagat	caa	taat	ttt	gtt	1140											
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205	cacatcatcg	tcatcatcat	ctaa	agtct	ta	a	acaat	acat	ctt	ctt	cc	taaaat	aca	1320								
207	agactcaact	ccactcataa	atc	acacagg	ca	a	acaat	at	act	tct	taat	ag	ttt	gtt	1380							
209	ttcacacatt	agggccagat	gg	acgat	cc	g	ctca	att	g	gg	aaatt	aa	acg	ctca	1440							
211	cgtcccaagg	gtccggccac	cac	cct	ta	cc	at	gg	ca	ct	act	ccc	ga	cc	act	gt	gtc	1500				
213	taccagtctg	attatgctga	tt	actat	tt	ca	ag	gt	ca	ta	ag	gc	gag	ca	cat	gact	gag	1560				
215	ttgaagaaga	agttcaatcg	cat	atgta	ag	ta	at	at	at	at	at	cat	g	catt	aa	tt	tt	tt	1620			
217	cacaacattt	ctatacatat	acg	agt	gt	gc	tat	ta	ag	tg	gg	tc	ac	ct	ca	at	gt	aa	1680			
219	aatgtttcaa	gcttagagaa	tag	ctt	tt	ta	ctaa	att	act	tt	tag	gaa	act	t	gaa	aa	at	cat	1740			
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227	ttcatctt	ttt	ttt	taca	gg	gt	aca	aa	tca	at	gat	ca	ag	ac	gt	tt	catt	tt	1980			
229	accgaagaaa	tgcttgagga	gc	ac	cc	aa	ac	at	gg	gt	ct	cc	at	t	tc	ta	at	ca	ac	2040		
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267	ca	cgt	cag	gc	a	at	tg	gg	at	gt	ca	at	tg	tc	tt	tt	at	cg	gg	at	tc	3180
269	atc	ac	act	gg	c	gg	cc	g	c	t	cg	t	tt	tt	at	cg	gg	at	tc	at	cc	3209

VERIFICATION SUMMARY
PATENT APPLICATION: US/09/622,257

DATE: 08/28/2001
TIME: 11:50:08

Input Set : A:\SEQ2.ST25.txt
Output Set: N:\CRF3\08282001\I622257.raw